

REMARKS

Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested. Moreover, the Applicant has reviewed the Office Action of May 9, 2007, and submits that this paper is responsive to all points raised therein.

Status of the Claims

Claims 1-4, 6, 7, 10-17, 19-27, 29-33, and 49-53 are presently pending. Claims 1, 12, 22, and 31 have been amended. Support for the amendments may be found at least at, for example, Figures 1 and 2, and Paragraph [0029].

Rejections Under 35 USC 103(a)

Reconsideration is requested of the rejection of claims 1-4, 6, 7, 10-17, 19-27, 29-34, and 49-53 under §103(a) as being obvious in view of the combined teachings U.S. Patent No. 4,735,567 to Frakes in view of U.S. Patent No. 6,540,435 to Lizarraga.

The Patent Office relies on Frakes for the teachings of providing a compaction roller, receiver and handle. The Patent office relies on Lizarraga for teaching removable weights and holder mechanisms extending from a cross bar. The Lizarraga and Frakes references can be readily distinguished from the present invention, as defined by the claims.

As described herein, the combination of these two references fails to teach or suggest any of the following elements present in the pending claims: (1) a pivotable handle connected to the cross bar either between the weights or at a middle portion of the cross bar (Frakes connects its handle to an axis of rotation, i.e., the axle of the roller, and not to a cross-bar); (2) a cross bar including holder mechanisms for weights, the cross bar connecting the lateral members for

receiving the roller (the weights of Lizarraga are not on a cross bar); (3) the holder mechanisms for holding separate, adjustable sets of weights for weighting opposite ends of the roller the roller in accordance with the tightness of the concrete (Lizarraga does not weigh opposite ends of hinge plate 45); and (4) the weight holders at oppositely disposed ends of the roller (Lizarraga adds weights between its wheels 46). Moreover, Applicant respectfully submits that one ordinary skill in the art would not combine the two different technologies described in Frakes and Lizarraga to arrive at the present invention.

The Patent Office relies on Frakes for the teachings of providing a pivotable handle. The Frakes reference can be readily distinguished from the present invention, as defined by the claims. Frakes fails to teach or suggest mounting the handle to the cross bar connecting to the lateral members for receiving the roller. Frakes fails to teach or suggest a pivotal joint in the middle portion of the cross bar, a single pivotal joint, or a pivotal joint in the receiver in between the opposite ends of the receiver.

In detail, the handle 30 of Frakes is not connected to a “cross bar”. Instead, the handle 30 of Frakes connects to the axis of rotation of the roller 18 at means 34 on both sides of the roller. See Figure 1. Notably, the handle 30 of Frakes is not connected to the vibration bar 37. Moreover, the handle 30 of Lizarraga is not capable of pivoting in a manner analogous to the present invention. The motor 38 of Lizarraga would prevent the handle 30 from pivoting 180 degrees to reverse the direction of the roller. The handle of the present invention pivots in a plane perpendicular to the rolling of the roller, which is needed in reversing the direction of the roller.

As such, Frakes fails to teach or suggest a pivotal joint in the middle portion of the cross bar/receiver, a single pivotal joint, or a pivotal joint in between the opposite ends of the receiver.

For at least these reasons, reconsideration and withdrawal of the rejection is respectfully requested.

The Patent office next relies on Lizarraga for teaching removable weights and holder mechanisms extending from a cross bar. Lizarraga describes an injection mold system for forming curbs and gutters. Material is pumped to a mold unit 12 during the extrusion. A hinge plate 45 of Lizarraga connects two wheels 46 on opposite sides of the hinge plate 45 to provide a rolling motion for the mold unit 12. The hinge plate 45 does not include weight mechanisms or weights. Instead, Lizarraga's weights 38 are placed on weight posts 40 over the mold unit 12, which does not roll or have wheels. The weighted mold unit is dragged behind the hinge plate 45. In stark contrast, the weights of the present invention are stacked in a vertical manner perpendicular to and above the roller since the holder mechanisms extend from the cross bar. As such, Lizarraga fails to teach or suggest the holder mechanisms extending from the cross bar. Lizarraga does not attach its weights 38 to a portion of its device analogous to a cross bar. Instead, the weights 38 are placed on the weight post 40 on the mold unit 12. As such, Lizarraga fails to teach or suggest a cross bar including holder mechanisms for weights, the cross bar connecting the lateral members for receiving the roller.

Further, Lizarraga fails to teach or suggest holder mechanisms for holding separate, adjustable sets of weights for weighting opposite ends of the roller the roller in accordance with the tightness of the concrete. As described above, Lizarraga does not weigh opposite ends of hinge plate 45. As described above, the weighted mold 12 is dragged behind the hinge plate 45. The weighted mold 12 is positioned between the wheels 46. The weights in Lizarraga are positioned differently in Lizarraga than in the present invention, because, the weights are functioning differently. As described at column 4, lines 30-36 of Lizarraga: "Weights are added

to the top of the mold to keep it from lifting too much due to the pressure of the pump, although through the process the mold will float..." The weights are not described for a concrete surfacing technique in accordance with the tightness of the concrete, instead the weights of Lizarraga are described as for controlling the pressure of the pump extruding the material.

Still further, Lizarraga fails to teach or suggest isolating weights and weight holders at oppositely disposed ends of the roller. As described above, Lizarraga adds weights behind and in between its wheels 46. The weights 38 are on the mold 12 behind and in between the wheels 46.

Finally, one ordinary skill in the art would not combine the two different technologies described in Frakes and Lizarraga. The subject matter of a claim is prima facie obvious in view of particular references if the Office can demonstrate that (1) the references, alone or together, describe every element of the claims, (2) there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to combine the references, and (3) there is some reasonable expectation of success.

The Patent Office submits that one of ordinary skill in the art would combine these two references. On the contrary, the Frakes and Lizarraga teach distinct technologies, and Applicant respectfully submits that there is no motivation or suggestion to combine Frakes (masonry surfacing) with Lizarraga (curb extrusion forming).

Lizarraga reference does not contemplate applications to decorative concrete surfacing. As such, the mold of the Lizarraga's apparatus does not include stamps for imparting patterns onto a surface. The weights of Lizarraga are also used for a different purpose, i.e., to control the lift and the mold.

In a related vein, because imparting patterns into concrete and curb extrusion forming are so distinct from each other, there is not a reasonable expectation of success in combining

these two references. There is no reasonable expectation that the combination of the weights disclosed in the Lizarraga patent, with its application in curb extrusion forming, and the device of the Frakes patent, with its application masonry surfacing, would be successful in stamping patterns into wet concrete of varying tightness.

Thus, for the reasons stated above, taken collectively, the Frakes and Lizarraga references do not disclose or suggest every element of the above-listed claims.

Respectfully submitted,

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